

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Patrick E. Dullen

v.

05-cv-139-PB

Cheshire County, et al.

O R D E R

Proceeding *pro se* and *in forma pauperis*, plaintiff Patrick E. Dullen brings this action pursuant to 42 U.S.C. § 1983, alleging that defendants have abridged his rights under the First, Eighth and Fourteenth Amendments to the United States Constitution (document no. 1). Named as defendants are Cheshire County, Cheshire County Department of Corrections ("CCDOC") and four CCDOC employees and/or contractors: Superintendent Richard N. Van Wickler; Captain Robert Cook; Dr. Stern; and Nurse Carol Anne Rochelau.

The complaint is before me for preliminary review to determine whether, among other things, it states a claim upon which relief may be granted. See 28 U.S.C. § 1915A; U.S. District Court for the District of New Hampshire Local Rule ("LR") 4.3(d)(2).

Without commenting on the merits of the claims, and for the reasons stated in the report and recommendation issued simultaneously herewith, I find that Dullen has alleged Eighth Amendment claims premised upon denial of adequate medical care against Stern and Rochelau and Eighth Amendment claims premised upon denial of adequate dental care against Rochelau and Cook. I recommend dismissal of all remaining claims.

Accordingly, I order that the complaint be served on the defendants. The Clerk's Office is instructed to prepare the summonses for each defendant and deliver to the United States Marshal for the District of New Hampshire ("U.S. Marshal's Office") the summonses and copies of the complaint (document no. 1), the report and recommendation and this order. Upon receipt of the necessary documentation, the U.S. Marshal's Office shall effect service upon the defendants. See Fed. R. Civ. P. 4(c)(2).

Defendants shall answer or otherwise plead within twenty days of acceptance of service. See Fed. R. Civ. P. 12(a)(1)(A).

Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the defendants by delivering or mailing the materials to them or

their attorneys, pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.

James R. Muirhead
United States Magistrate Judge

Date: June 23, 2005

cc: Patrick E. Dullen, *pro se*